



The Drawingboard

Queens Chapter

New York State Society of Professional Engineers

March 2007

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President's Message

*By Brian E. Flynn, P.E.
President*



Responsible Charge

-versus-

Rubber Stamping

Direct Responsible Charge is every PE's obligation, but what is responsible charge? The issue of responsible charge is critical to the legal and ethical practice of engineering.

The NSPE Code of Ethics states that engineers may approve only documents that are in conformity with applicable standards and that engineers cannot sign any plans or documents dealing with an area in which the engineer is not competent. In addition, engineers may not sign "any plan or document not prepared under their direction and control." Review of plans alone is not enough.

The rules of the NYS Board of Regents, Part 29, Unprofessional Conduct states that unprofessional conduct shall also include . . . certifying by affixing the licensee's signature and seal to documents for which the professional services have not been performed by, or thoroughly reviewed by, the licensee; or failing to prepare and retain a written evaluation of the professional services represented by such documents.

[\(Continued next page\)](#)

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To seal plans and documents prepared by others without direct supervision is rubber stamping. Our licensed professional community is overrun with illegal practice by unlicensed individuals and firms who are not currently prosecuted, or even curtailed. However, they can not succeed without those of us who would rubber stamp their work. The legal and ethical requirements of Professional Engineering are not taught in school. The State Education Department will not even allow the NYSSPE to contact new PE's in order to help guide them through and past these professional entanglements that the new PE is typically completely ignorant about. It is up to us to reach out to our fellow PE's to show them the true value of their license.

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Upcoming Meeting Information

Our Next Chapter Meeting

Thursday, May 24th, 2007 – 6:30 PM

Presenter:

Martin A. "Ask the Lawyer" Schwartzberg, Esq.
L'Abbate, Balkan, Colavita & Contini, L.L.P.



Mr. Schwartzberg will discuss:

Engineers' Responsibilities Under Labor Law
§§240, 241(6) and 200

Topics will include:

- Who does it apply to?
- What type of structures?
- What type of activities?
- Defenses to Labor Law §240 liability
- Ways to limit responsibility
- Questions and answers using typical factual scenarios

Location:

422 Weaver Ave., Fort Totten, New York

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2007 Chapter Meeting Schedule

Mark Your Calendar

For your convenience the Queens County Chapter NYSSPE meeting schedule is provided below.

Directors' meetings and general meetings are held on the second and fourth Thursdays of each month except November and December meetings which will be held on the first and third Thursday of the month due to holidays. So mark your calendar. The schedule is as follows:

Directors' Meeting (6:30 PM)

May 10, 2007
June 14, 2007

Membership Meeting (6:30PM)

May 24, 2007
June 28, 2007

Quick Links

Contact

[Frank Padavan](#)

150-26 14th Avenue
Whitestone, ny 11357
Phone: 718-746-2550
Fax: 718-746-2171

[James Brennan](#)

417 7th Avenue
Brooklyn, NY 11215
Phone: 718-788-7221
Fax: 718-965-9378

Legislative Update

The following is a letter to Assemblyman James Brennan and Senator Padavan from our president Brian Flynn followed by the text of the announcement that it is in response to:

May 20th, 2007

Dear Assemblyman Brennan & Senator Padavan,

The Queens Chapter of the New York State Society of Professional Engineers (NYSSPE) wishes to applaud you on the Legislative Package to address Shortcomings in Regulation of Construction & Development in NYC. For too long have contractors operated without adequate knowledge or insurance for the construction of buildings. This is especially true with lot line buildings being built adjacent to other lot line buildings.

[\(Continued next page\)](#)

The Society does not agree with A7746(Brennan)/S4603(Padavan); which gives the DOB the power to refuse to accept the filing of any documents by a person whom a hearing has found to have knowingly or negligently submitted false documents to the DOB. The NYC Building Department grants the right of professional certification for applications and as such, has the power to deny professional certification privileges to those individuals who abuse it. To deny applications through plan review as this bill would allow, usurps the authority of the NY State Education Department to discipline improper practice. I ask that you consider an alternative.

The licensed professional community is overrun with illegal practice by unlicensed individuals and firms who are not currently prosecuted, or even curtailed. I ask that you support the NYSSPE's sponsored legislation to give the NYS Education Department the ability to stop these flagrant abusers who illegally operate with impunity. Bill A 8759 – would provide funding to the State Education Department for the prosecution of person's engaged in the illegal practice of the Title XIII professions including professional engineering and registered architecture. Previously, bill A1041(Canestrari)/S857(Balboni) was passed giving the State Education Department the authority to conduct Civil Prosecution for Illegal Practice of the Professions. Unfortunately this program has not yet been funded.

The Contractors Licensing Board proposed by A7744(Brennan)/S5410(Padavan) should include licensed engineers and architects who deal with the abuses of contractors on a daily basis.

Sincerely,

Brian E. Flynn, PE

President, Queens Chapter

New York State Society of Professional Engineers

Chapter Seeks Donations to PDC Library

The Queens Chapter is still seeking donations of books for the Professional Design Center Library

Queens Chapter President Brian Flynn would like all to know that the Professional Design Center Library is still in need of Books, Magazines and other materials. The Queens Chapter is asking all members to donate any reference material, such as textbooks, catalogs and product literature that they can.

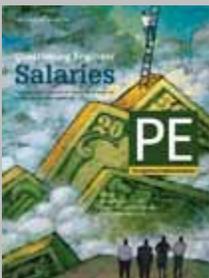
Please Note:

Members are advised that the Queens Chapter meeting on Thursday, May 24th 2007 will be held at our Fort Totten office. At the Fort Totten gate tell the guard you are a member of the P.E. Society and that your name is on the list that they keep there. Any non-members and guests not placed on the list will be denied entrance-If this happens the guest should ask the guard to call the phone number on the membership list. A board member will then come down to bring the guest in

Computer and Office Donations Needed

Is your firm or company updating its computer or other office equipment and planning to get rid of the older systems? If so, please consider donating such equipment to the Queens Chapter of the NYSSPE.

The Queens Chapter is seeking donations of computer and office equipment. For more information contact Brian Flynn, Queens Chapter President at 718-539-2649



From: brennaj@assembly.state.ny.us

Subject: **NEW DOB LEGISLATION**

Date: May 9, 2007 11:41:15 AM EDT

Brennan Announces Legislative Package to Address Shortcomings in Regulation of Construction and Development in New York City

Assembly member **James Brennan** (D-Brooklyn), Chair of the Cities Committee, has introduced a package of legislation to address shortcomings in the Department of Buildings' (DOB's) regulation of construction and development in New York City. This legislation is being introduced at the State level because the health and safety of the population of NYC is a matter of important State concern.

This legislation will tighten DOB enforcement of the NYC Building Code and Zoning Resolution during a major building boom, with the City's residential building permits surging from 5,135 in 1995 to 15,050 in 2000 to 31,600 in 2006.

Brennan said, "With the City growing by another million people by 2030, we need to assure that new construction is safe, sound, legal, and in compliance with zoning. There are enormous profits to be made in this building boom. The incentive to build large and fast has led some scofflaw developers and architects to skirt the law. These bills put teeth into DOB enforcement."

OSHA reported 80 deaths from New York City construction accidents between 2002 and 2005. A 2002 review by the NY Trial Lawyers Institute of 2,500 OSHA construction-site inspections found one or more serious safety violations at two thirds of the sites. A 2003 NYC Comptroller's audit found errors in 67% of sampled self-certified construction plans. And in 2005, the DOB's own audits of a fifth of all self-certified plans found 16% contained such serious errors that building permits had to be revoked.

[\(Continued next page\)](#)

The legislative package includes the following seven bills:

- A7745(Brennan)/S5422(Padavan), The Department of Buildings Community Accountability Act, directs DOB to notify community boards and borough presidents of all construction permits and DOB actions in the district and to issue public reports on all construction accidents, property damage and dangerous conditions; it prohibits DOB from issuing certificates of occupancy until all adjudicated fines are paid; and it gives community boards the right to 30 DOB audits a year and to copies of any plans on file at the DOB.
- A7800(Brennan)/S5223(Padavan) imposes a duty on the DOB to re-inspect and seek correction of all hazardous building violations.
- A7755(Hevesi)/S5407(Padavan) allows the City to convert into tax liens any unpaid, adjudicated fines levied for hazardous building violations.
- A7746(Brennan)/S4603(Padavan) gives the DOB the power to refuse to accept the filing of any documents by a person whom a hearing has found to have knowingly or negligently submitted false documents to the DOB, thus expanding the Department's arsenal for curbing abuse of self-certification privileges. This bill is supported by the office of the Mayor.
- A7744(Brennan)/S5410(Padavan) requires, for the first time, City licensure of general contractors by a Contractors Licensing Board, composed of 13 members appointed by the Mayor. This will allow the City to revoke the licenses of developer-contractors who are willful violators of laws involving safety, workers' compensation, etc.
- A7748(Brennan)/S5246(Padavan) abolishes the exemption from the duty of contractors to shore up adjacent properties for excavation of less than 10 feet. The bill also compels developers to carry insurance for damage for construction, demolition and excavation. This bill is supported by the office of the Mayor.

[\(Continued next page\)](#)

- [A7747\(Brennan\)/S5441\(Padavan\)](#) funds technical assistance grants of \$500,000 to a not-for-profit organization in each borough to provide legal, technical and professional assistance in the public interest regarding zoning, planning, and building and construction issues.

The legislative package has received broad support from elected officials and advocates:

Public Advocate **Betsy Gotbaum** said, "Real estate development is central to New York City's economic growth. But we need to ensure that all new commercial and residential development complies with the building code. Everyone needs to be held to the same high standards. This legislative package will give DOB greater authority to enforce the building code and will result in safer work sites for the thousands of men and women employed in New York City's building trades. It will also empower communities to track and report code violations, ensuring greater safety for all New Yorkers."

Joel Shufro, executive director of the New York Committee for Occupational Safety and Health, said, "NYCOSH supports Brennan's legislative package to strengthen regulation of construction in NYC. This legislation will give the City new tools to stop illegal construction and protect the lives and health of workers, which are often put at risk by profits and deadlines.

Fly-by-night construction operations are extremely hazardous, and this legislation will make the City's growth safer for workers and for the community at large."

Robert Furman, chair of the Four Borough Neighborhood Preservation Alliance, said, "The Four Borough Neighborhood Preservation Alliance supports Assemblyman Jim Brennan's efforts to change the NYC Buildings Department from an expediter of applications into an agency that effectively enforces City and State law. We look forward to working with him and other assemblymembers, state senators and councilmembers who want the concerns of communities plagued by overdevelopment and rampant flouting of the law addressed."

Sean M. Walsh, president of the Queens Civic Congress said, "The Queens Civic Congress supports these legislative proposals; they reflect the reforms and legislation we have proposed in our platform."

Hotline for Members

Are you an NSPE member with a question about engineering ethics, licensure, or law? If so, call 888-285-NSPE (6773) or e-mail legal@nspe.org. Please provide your 9-digit NSPE member number.

Useful websites for Engineers:

National Society of Professional Engineers	www.nspe.org
New York State Society of Professional Engineers	www.nysspe.org
American Institute of Architects	www.AIA.org
American Engineering Alliance	www.aeaworld.org
American Institute of Chemical Engineers	www.aiche.org
American Society of Automotive Engineers	www.sae.org
American Petroleum Institute	www.api.org
American Society of Civil Engineers	www.asce.org
American Society of Engineering Education	www.asee.org
American Society of Heating, Refrigeration and Air Conditioning	www.ashrae.org
American Society of Mechanical Engineers	www.asme.org
American Society of Plumbing Engineers	www.aspe.org
American Welding Society	www.aws.org
Society of Petroleum Engineers	www.spe.org
Society of Fire Protection Engineers	www.sfpe.org
Institute of Electrical and Electronics Engineers, Inc.	www.ieee.org
City of New York	www.nyc.gov
NY State Senate	senate.state.ny.us
NY State Assembly	assembly.state.ny.us
NY City Council	nyccouncil.info
The White House	whitehouse.gov
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Order Form

The Queens Chapter of the National Society of Professional Engineers will publish the chapter's 2006 Annual Membership Directory. Our members are found in key government agency positions, as well as senior and partner positions in private engineering firms, which design, specify and consult on Construction projects throughout the Metropolitan area. When they need to find a source for specific requirements they turn to their annual Queens NSPE Membership Directory. Now you and your firm can reach these key decision making individuals when they are looking for your services by placing an ad in the up coming 2006 Queens NSPE Membership directory.

Attached is an order form to place an advertisement in the 2006 Membership Directory.

In addition to our annual journal, the Queens Engineering Society Sponsors numerous events and seminars to further inform our members of the new developments in industry. We hope that you will help support our efforts. Please see the order form on the next page

**QUEENS COUNTY CHAPTER
OF THE NEW YORK STATE SOCIETY OF PROFESSIONAL ENGINEERS**

OFFICERS:

BRIAN E. FLYNN, PE GEORGE L. TAVOULAREAS, PE JOHN SGOUROS, PE FIL KEFALAS, PE
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Please reserve an ad as indicated below in the 2007 Queens Chapter Membership Directory.
Enclosed is our check in the amount of \$_____ for the size ad selected below:

(STANDARD AD POSITIONS (BLACK & WHITE ADS))

- Full Page Ad (7-1/2" deep x 4-1/4" wide)\$ 400.00
- One-Half Page Ad (3-3/4" deep x 4-1/4" wide).....\$ 300.00
- One-Third Page Ad (2-1/2" deep x 4-1/4").....\$ 165.00

(SPECIAL POSITIONS (BLACK & WHITE ADS))

- Back Cover (7-1/2" deep x 4-1/4" wide) \$ 800.00
- Inside Front Cover (7-1/2" x 4-1/4" wide)..... \$ 700.00
- Inside Back Cover (7-1/2" x 4-1/4")..... \$ 600.00
- Page 1 (7-1/2 x 4-1/4") \$ 550.00
- Forward (7-1/2" x 4-1/4") (Before Member Section)..... \$ 500.00

(ADDITIONAL CHARGES)

- Spot (Single) Color (Each Color) Please choose color below..... \$ 160.00
 Red Blue Green Yellow
- Four-Color Process (Full Color Ad with red, blue, green and yellow)\$ 800.00

Company/Organization _____

Individual _____

Address _____

City, State & Zip _____

Telephone _____

Fax _____

Signature _____

Please make your checks payable to the Queens Chapter – NYSSPE. Mail your check with this order form to:

Queens Chapter NYSSPE Reference & Membership Directory

C/O Brian E. Flynn, P.E.

President, Queens Chapter NYSSPE

78-66 79th Place, Glendale, NY 11385

Telephone (718) 894-7822 Fax (718) 894-7833

Please include your Artwork or camera ready copy. **Artwork Specifications** (Computer Formats): PDF; P65; EPS (INQUIRE); TIF; BMP; Others. Camera ready copy accepted OR We'll Make Your AD for You. Please email your computer format artwork to: BEFlynnPE@aol.com or mail it on computer media in PC format to our office: 78-66 79th Place, Glendale, NY 11385. In order to meet the printing schedule, all ads & order forms must be received no later than **October 31st, 2007**